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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,044	11/08/1999	ROB K. CORELL	07844/350001	6076
21876	7590	03/26/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			SINGH, RACHNA	
		ART UNIT		PAPER NUMBER
		2176		g
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/436,044	CORELL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Rachna Singh	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15, 18-25 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15, 18-25 and 30-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed 11/8/99; Amendment filed 2/13/04; RCE filed 3/11/04.
2. Claims 1-15, 18-25 and 30-34 are pending in the case. Claims 1, 21, and 26 are independent claims.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/04 has been entered.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15, 18-25 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fein et al., US Patent 6,088,711, 7/11/00 (filed 7/1/97).

In reference to claims 1 and 21, Fein teaches a method for defining a style of a paragraph based upon the formatting properties of the paragraph. The paragraph has text comprising a plurality of words, which comprise one or more characters. Fein teaches that formatting properties include font size, font face, color, and other properties

such as length of words or position of word. See column 3, lines 18-60. Compare to "**receiving a formatted document. . .comprising a plurality of words. . .comprising one or more characters. . .defined by one or more font properties. . .defined by font properties of its characters. . .on one or more pages. . .each word having a fixed position on one of the one or more pages**". Fein's method comprises the following:

- Analyzing different features of the paragraph to determine the paragraph type. The features may include features such as length of the paragraph, capitalization of the paragraph, and punctuation of the paragraph. It may further describe the placement of the paragraph in the document. Determining the appropriate style to define for the paragraph to and applying a style to the paragraph. See column 3, lines 25-60. Compare to "**partitioning the formatted text into a plurality of words on their respective pages, the font properties of the words, or both;**".
- Determining various features of the paragraph to derive the elements that are assigned to the paragraph. Analyzing the font properties to determine characters styles and determining the length and position of the paragraph to determine its layout style. See column 3, lines 18-60 and column 4, lines 1-26. Determining the appropriate style to define the text by analyzing a number of features of the paragraph to determine a functional style. Compare to "**assigning an element from a predefined set of markup language elements to each of two or more groups in the plurality of groups of words, the assigning being based on**

*the fixed positions of the words on their respective pages, the font properties of the words, or both; deriving an element style comprising a character style, a layout style or both, the character style being derived from the font properties of the characters of the words in the groups of words to which the element is assigned, and the layout style being derived from the text properties of the groups of words to which the element is assigned”.*

- Applying the style to the paragraph to be displayed in an electronic system. See column 13. Compare to “*creating an electronic document comprising a style sheet defining each of the element styles*”.

While Fein does not state “partitioning the formatted text”, he does teach dividing a document by paragraphs. The paragraphs are then used to determine the major formatting properties of the words in an effort to identify the style of the text. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to partition the document according to font properties of the words (see column 3, lines 35-36 and lines 45-48) OR the positions of words (see column 3, lines 59-61) since it was well known in the art at the time of the invention to partition a document in order to identify the type of the “group of words” (i.e. title, body, subhead, etc). See column 1, lines 42-53 and column 2, lines 1-31. As per the amendment and addition of the term “fixed position”, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein’s system takes into

account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a “fixed position” as font size, line number, line spacing, and font style are all features used to determine a word’s position. Furthermore it should be noted that the phrase “fixed positions of the words” is the paragraph defined by Fein.

In reference to claims 2 and 22, Fein teaches analyzing the position of the paragraph on a page according to indentation and its placement in determining what element to assign to the paragraph. See column 3. As stated above in reference to claim 1, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein’s system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features

would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a “fixed position” as font size, line number, line spacing, and font style are all features used to determine a word’s position.

In reference to claims 3 and 23, Fein teaches analyzing the font properties of a group of words and assigning an element based on the font properties. See column 3. Fein teaches defining a style for a paragraph in a document layout program. He further states that a style can be matched to a different paragraph if it matches a previously defined style or create a newly defined style. See column 4, lines 13-25. Thus he is applying a style to more than one group.

In reference to claims 4 and 24, Fein teaches that assigning an element can be based on both font and position properties of the paragraph. See column 3. As stated above in reference to claim 1, Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein's system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the “fixed” position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as

the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Using these well-known features disclosed by Fein, it would have been obvious to define a “fixed position” as font size, line number, line spacing, and font style are all features used to determine a word’s position.

In reference to claims 5-7 and 25, Fein teaches creating a specific functional style if the formatting properties of the paragraph do not match other formatting properties used in the document. Furthermore, there is a limited number of styles to define the threshold. See columns 3-4.

In reference to claims 8-9, Although Fein does not specifically state the elements as a set of HTML or XML elements, Fein’s system is not limited to any particular markup language. Fein teaches that logical formatting elements allow a document to be “styled”. Thus Fein’s system could be implemented using HTML or XML.

In reference to claim 10, Fein teaches the use of header and paragraph elements. See column 3.

In reference to claim 11, Fein teaches applying elements to the paragraph according to various features present. These elements could be chosen from amongst address elements, list elements, table elements and so on.

In reference to claims 12-13, Fein teaches character styles comprising font properties such as font style, font face, etc. See column 3.

In reference to claim 14, Fein teaches assigning a text property to the layout style. See column 3.

In reference to claim 15, Fein teaches that the text properties can be that of indentation, alignment and position. See column 3.

In reference to claim 18, Fein teaches considering the indentation or position of a paragraph on a page. See column 3.

In reference to claim 19, Fein teaches applying various styles to the paragraph. Fein's system would not be limited to any particular style sheet including that of XSL. See columns 1-2.

In reference to claim 20, Fein's system is used to provide an electronic document with element tags and style. Thus Fein's system teaches creating an electronic document which is a markup language version of the source document. See columns 1-3.

In reference to claim 30, Fein teaches a predefined style, see column 3, lines 29-31.

In reference to claims 31 and 32, Fein teaches that a character style includes a font property and a layout style can include a text property. See column 3, lines 24-65.

In reference to claim 33, Fein does not teach setting page margins; however, detecting and setting page margins would be useful in determining the style of certain text according to its position thus it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a detect and set margin feature.

In reference to claim 34, Fein teaches applying a style to a paragraph in an electronic system. It was well known in the art at the time of the invention to create an electronic document for presentation with a markup language, thus it would have been

obvious to present the source document in a markup language version to be presented to the user.

***Response to Arguments***

6. Applicant has amended claims to reflect that each word has a fixed position on their respective pages. Fein teaches that features used in determining appropriate styles for a paragraph comprising of words includes the placement of the paragraph in the document. Since Fein's system takes into account the position of the paragraph within the document along with formatting properties of the text or words including font size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the "fixed" position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word. Moreover, Applicant has not pointed out in the specification where the feature of a "fixed position" is discussed. On page 4 of the specification, Applicant cites, "Each word on a page of a formatted document is characterized by a position of the word on the page"; however, there appears to be no indication of a "fixed position". However, Examiner has interpreted the term as the position as indicated by indentation, position within a paragraph, or line number. Fein teaches that a paragraph comprised of words is assigned a functional style based on features such as font size, placement of the paragraph and indentation of the paragraph. As mentioned above, Since Fein's system takes into account the position and indentation of the paragraph within the document along with formatting properties of the text or words including font

size, font face, etc, it would have been obvious to one of ordinary skill in the art to determine the "fixed" position of a word using this information since not only is the position of the paragraph identified, but also the font size, font face, and body text (words). Thus knowing the specifics of these features would allow a user to identify the fixed position of a word as the indentation of the paragraph gives a line number and font size, font style, and spacing are used to identify each word. Furthermore it should be noted that the phrase "fixed positions of the words" is the paragraph defined by Fein.

Applicant further argues that Fein does not suggest deriving a style based on two or more groups of words. Fein teaches defining a style for a paragraph in a document layout program. He further states that a style can be matched to a different paragraph if it matches a previously defined style or create a newly defined style. See column 4, lines 13-25. Thus he is applying a style to more than one group.

In view of the comments and rejections above, Examiner has maintained the rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

RS  
03/17/04



**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**